

EEOICPA BULLETIN NO. 02-22

Issue Date: August 5, 2002

Effective Date: August 5, 2002

Expiration Date: August 5, 2003

Subject: Suspension Code for Marshall Islands Cases

Background: Approximately 75 EE-1 and EE-2 claims have been filed in the Seattle District Office by employees and survivors of the Department of Energy (DOE) facility known as the Pacific Proving Ground in the Marshall Islands. The Pacific Proving Ground was a weapons test site in the South Pacific from 1946 to 1962. Not all of these employees were U.S. citizens. The District Office was instructed to halt adjudication on these cases while the National Office researches the Marshallese eligibility.

Reference:

Purpose: To provide guidance to District Office personnel on placing Marshall Islands cases in a suspended status.

Applicability: All staff.

Actions:

1. Any claim in the DO in which the EE-1 or EE-2 form indicates the employee was a non-U.S. citizen and worked for the Department of Energy in the Marshall Islands should be coded **HM (Hold - Marshall Islands)** under the claim status screen in ECMS. **HM** is a suspension code that indicates the claim is from the Marshall Islands and all adjudication is on hold until notified by the National Office to release the hold status and commence the adjudicatory process.
2. The status effective date for the **HM** code should be the day following the last action taken on the claim. For example, if the last action on a claim involved the development of employment evidence and the claim was coded

DE on 4/1/02, the status effective date for the **HM** code would be 4/2/02. If the last action was the creation of the case, the status effective date would be the day following case creation.

3. Any claim that comes into the DO from the Marshall Islands in the future and the claimant is Marshallese should also be coded **HM**. The status effective date on the claim would be the day following case creation.

4. Any claimant, whose claim has been coded **HM**, should be sent a copy of the attached letter.

5. A recommended decision should immediately be issued on any claim containing evidence that the employee is/was a U.S. citizen and was employed by Pacific Proving Ground. These claims should not be coded **HM**.

6. A recommended decision should immediately be issued on any claim in which it has been established that a covered condition is not claimed. These claims should not be coded **HM**.

Disposition: Retain until incorporated in the Federal (EEOICPA) Procedure Manual.

PETER M. TURCIC
Director, Division of Energy Employees
Occupational Illness Compensation

Distribution List No. 1: (Claims Examiners, Supervisory Claims Examiners, Technical Assistants, Customer Service Representatives, Fiscal Officers, FAB District Managers, Operation Chiefs, Hearing Representatives, District Office Mail & File Sections.)

U. S. DEPARTMENT OF LABOR

EMPLOYMENT STANDARDS ADMINISTRATION
OFFICE OF WORKERS' COMPENSATION PROGRAMS
DIVISION OF ENERGY EMPLOYEES' OCCUPATIONAL
ILLNESS COMPENSATION



Date

Claimant Name

Claimant Address

Dear (Claimant):

We are writing to advise you that our office has received your claim for benefits under the Energy Employees Occupational Illness Compensation Act (EEOICPA). The claim that you filed indicates you (or insert employee's name) were an employee of the Department of Energy in the Marshall Islands and that you (or insert employee's name) are not a citizen of the United States.

Your claim raises complicated issues regarding the eligibility of non- U.S. citizens for coverage under EEOICPA. We are in the process of attempting to resolve these issues. Unfortunately, this process will take additional time before a decision may be rendered on your claim. In the interim, no further information will be required from you.

We appreciate your patience in this matter.

Sincerely,

Claims Examiner